

**§ 112.2 Applicants who have received neither fee simple patents nor certificates of competency.**

In the case of an applicant who has received neither a fee simple patent nor a certificate of competency, the application must be accompanied by evidence which will establish the fact that he is capable of managing his own affairs. In forwarding applications of this class the superintendent will report fully, as follows:

- (a) Is the applicant living on this allotment? If so, is he making reasonable efforts to cultivate his land and to support himself and family? If he is not living on his allotment, what is his occupation?
- (b) Is any part of his allotment leased? If so, to what extent does he depend upon the rent therefrom to support himself and family?
- (c) Has the applicant been given the privilege of leasing his own lands; and if so, with what result?
- (d) Has he an interest in any inherited land? If he has sold or leased any inherited land, how has he managed the proceeds?
- (e) Is the applicant of good moral character?
- (f) Is he addicted to the use of intoxicants? And if so, does this habit, in the judgment of the agent, unfit him to make proper use of his share of the tribal funds?
- (g) What is his physical condition?
- (h) Is the applicant in debt? If so, to what extent and for what purpose was the debt incurred?
- (i) Has the applicant the necessary business qualifications to enable him to manage his own affairs?
- (j) Give such other information concerning the applicant as will aid the office in determining whether or not to approve his application.
- (k) Make a specific recommendation for the approval or disapproval of the application.

**§ 112.3 Applicants who are mentally or physically incapable of managing their affairs.**

Applications of this class must be accompanied by evidence that will establish the advisability of withdrawing the share. If the application is approved, the funds will be deposited to

the credit of the Indian and handled as individual Indian money.

In forwarding applications the agent will report fully as follows:

- (a) Sex and exact date of birth.
- (b) Identify the applicant by allotment and last annuity-roll numbers.
- (c) What is the actual physical condition of the applicant. If suffering from disease, submit certificate of physician if necessary to establish disability.
- (d) What is the actual mental condition of the applicant? Answer fully.
- (e) What are the material resources of the applicant?
- (f) What advantages will accrue to applicant by withdrawal of his or her share at this time?
- (g) Has it been explained to the applicant and does he understand that if the application is approved the funds will be deposited to his credit as individual Indian money to be expended under the supervision of the superintendent?
- (h) Make a specific recommendation for the approval or disapproval of the application.

[22 FR 10549, Dec. 24, 1957. Redesignated at 47 FR 13327, Mar. 30, 1982, as amended at 48 FR 13414, Mar. 31, 1983]

CROSS REFERENCE: For individual Indian money regulations, see part 115 of this chapter.

**§ 112.4 Interest in pro rata shares not vested rights unless application approved.**

On November 6, 1908, the Secretary of the Interior decided, in effect, that the interest of an Indian in a pro rata share of a tribal fund does not vest in the Indian an inheritable property until after his application has been approved by the Secretary and an order signed by him segregating it from the tribal fund. Applications for shares of funds under this act may be made at any time, but in view of the Secretary's decision such applications should be forwarded to the Bureau by the superintendent as soon as they are completed and filed with him. Applications from those who are blind, decrepit, etc., must be made special and forwarded to the Bureau of Indian Affairs, Washington, D.C., as soon as possible.